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 11 *Ultimate Fighting Championship and UFC, and*  
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13  
 14 UNITED STATES DISTRICT COURT  
 15 DISTRICT OF NEVADA

16 Cung Le, Nathan Quarry, Jon Fitch, Brandon  
 Vera, Luis Javier Vazquez, and Kyle  
 17 Kingsbury, on behalf of themselves and all  
 others similarly situated,

18 Plaintiffs,

19 v.

20 Zuffa, LLC (d/b/a Ultimate Fighting  
 Championship and UFC),

21 Defendant.

22 Kajan Johnson and Clarence Dollaway, on  
 23 behalf of themselves and all others similarly  
 situated,

24 Plaintiffs,

25 v.

26 Zuffa, LLC (d/b/a Ultimate Fighting  
 Championship and UFC), and Endeavor  
 27 Group Holdings, Inc.,

28 Defendants.

No.: 2:15-cv-01045-RFB-BNW

**DEFENDANTS' REPLY IN SUPPORT OF  
 MOTION TO CONSOLIDATE BRIEFING  
 AND AMEND SCHEDULING ORDER**

No.: 2:21-cv-01189-RFB-BNW

On November 6, 2023, Defendants Zuffa, LLC (“Zuffa”) and Endeavor Group Holdings, Inc. (collectively, “Defendants”)<sup>1</sup> filed a motion proposing a revised schedule for two pending motions so that (1) each party would have a reasonable opportunity to respond to the other side’s arguments; and (2) briefing would be completed adequately before the Court-ordered November 17, 2023 hearing. *Le*, ECF No. 896; *Johnson*, ECF No. 92 (hereinafter “Defs.’ Mot.”). Notably, Defendants’ proposal afforded Plaintiffs more time to respond to both motions than the default local rules would have granted them. Plaintiffs filed an opposition the same day proposing one schedule that would deny Defendants *any* reply to the larger motion, and a second proposal that would give Defendants only two days to respond to a 30-page omnibus brief. *Le*, ECF No. 897; *Johnson*, ECF No. 93 (hereinafter “Pls.’ Opp’n”). As described below, respectfully, the Court should reject Plaintiffs’ prejudicial schedule and adopt the Defendants’ proposal.

Plaintiffs’ first proposal does not afford Defendants an adequate opportunity to respond. In that proposal, Plaintiffs would file a 30-page omnibus opposition on November 13, leaving only two days for Defendants to respond. Pls.’ Opp’n at 2. Two days is not a reasonable or adequate amount of time to respond to 30 pages of argument, particularly given the importance of the issues at stake with regard to Zuffa’s due process right to defend itself at the upcoming trial. The Court’s prior schedule gave Defendants 28 days to reply to Plaintiffs’ arguments regarding reopening discovery in *Le*, *see Le*, ECF No. 847 and *Johnson*, ECF No. 73, and even the default local rules would have allocated Defendants at least seven days to reply. L.R. 7-2(b). Nor is Plaintiffs’ two-day reply proposal proportional, as Plaintiffs would receive 20 days to draft 30-pages of argument, but seek to hamstring Defendants with only ten percent of that time—two days—to respond.

Plaintiffs’ second proposal is even more prejudicial, as it grants Defendants no opportunity to respond at all to Plaintiffs’ arguments regarding reopening discovery in *Le*. Under that proposal, Plaintiffs allocate themselves the right to “file their opposition to Zuffa’s motion to reopen discovery in *Le* (ECF No. 884) on November 15, 2023,” but they do not afford Defendants any

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<sup>1</sup> This Reply is being filed simultaneously in both of the above-captioned cases. Endeavor Group Holdings, Inc. is a Defendant only in *Johnson, et al. v. Zuffa, LLC, et al.*, No. 21-cv-1189.

1 reply. Pls.’ Opp’n at 2. That result—leaving up to 24 pages of Plaintiffs’ briefing completely  
 2 unaddressed—would be plainly prejudicial to Defendants and would not facilitate the Court’s  
 3 resolution of these issues. Respectfully, this proposed schedule cannot be the outcome the Court  
 4 contemplated when it initially granted Defendants 28 days to craft a reply. *Le*, ECF No. 847;  
 5 *Johnson*, ECF No. 73.

6 Plaintiffs cannot argue that Defendants’ proposal denies them an adequate opportunity to  
 7 respond because, under Defendants’ proposal, Plaintiffs would actually receive *more* time than the  
 8 default local rules would have allocated—three extra days for the Motion to Reopen Discovery,  
 9 and one extra day for the Motion Regarding *Johnson* Evidence.<sup>2</sup> *See* Defs.’ Mot. at 3. Instead,  
 10 Plaintiffs argue they must have extra-extra time because Defendants supposedly had “more than  
 11 two months” to draft the “two briefs.” Pls.’ Opp’n at 1-2. That is wrong. The Court ordered  
 12 briefing on how to treat *Johnson* in the *Le* case on October 16, 2023 and set Defendants’ opening  
 13 brief to be due only ten days later on October 26, as the parties stipulated. *Le*, ECF No. 871;  
 14 *Johnson*, ECF No. 88. Defendants’ proposal gives Plaintiffs fifteen days to respond to a motion  
 15 that the Court’s order gave Defendants ten days to draft.

16 Plaintiffs’ claimed need for extra time fails with respect to the Motion to Reopen Discovery  
 17 in *Le*, as well. Even if Defendants in theory had two months to draft that motion, that runway does  
 18 not distinguish this situation from any other briefing scenario that would be covered by the local  
 19 rules, which deem 14 days sufficient time to respond by default. If anything, Plaintiffs should  
 20 require less than the default time to respond to the Motion to Reopen Discovery in *Le*, because  
 21 Defendants have previewed their arguments to Plaintiffs multiple times, both orally and in writing,  
 22 including during the August 22, 2023 status conference, *see* Hrg. Tr. at 20-24, *Le*, ECF No. 846,  
 23 within Defendants’ Response to Plaintiffs’ Pre-Conference Statement, *Johnson*, ECF No. 72, at 1-  
 24 4, and in the course of exchanging the parties’ position statements in connection with the Joint  
 25

26  
 27  
 28 <sup>2</sup> If not defined herein, capitalized phrases have the meaning assigned in Defendants’ Motion.

1 Proposed Discovery Plan in *Johnson, see Johnson*, ECF No. 80.<sup>3</sup> Thus, Plaintiffs fail to justify  
 2 their request for an extension of the default briefing timeline from 14 days to up to 22 days,  
 3 especially when that extension would preclude Defendants from any response or, at most, give  
 4 Defendants only two days to address 30 pages of briefing.

5 For the foregoing reasons, and the reasons stated in their opening Motion, Defendants  
 6 respectfully request that the Court set November 10 as the deadline for Plaintiffs' consolidated  
 7 opposition, and November 15 as the deadline for Defendants' consolidated reply.

8  
 9 Dated: November 6, 2023

Respectfully Submitted,

10  
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13 By /s/ Jessica E. Phillips

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 26 <sup>3</sup> As a result of the meet and confer process, Defendants agreed to remove from the Joint Proposed  
 27 Discovery Plan their argument regarding the need for and relevance of evidence regarding recent  
 28 market conditions as part of any trial on damages and liability in *Le*. But Plaintiffs received a  
 preview of those arguments, in writing, before Defendants agreed to remove them.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Reply in Support of Defendants' Motion to Consolidate Briefing and Amend Scheduling Order was served on November 6, 2023, via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

Dated: November 6, 2023

/s/ Jessica E. Phillips  
Jessica E. Phillips